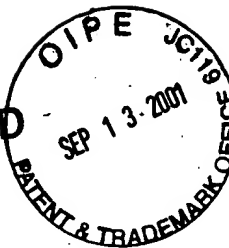


VWAVE.001C

MAIL DATE CANCELLED
SEP 07 2001



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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Frank R. Miele, et al.
App. No. : 09/815,982
Filed : March 22, 2001
For : **METHOD AND APPARATUS
FOR THE NONINVASIVE
ASSESSMENT OF
HEMODYNAMIC
PARAMETERS INCLUDING
BLOOD VESSEL LOCATION**
Examiner : Unknown
Group : 3736



27299

PATENT, TRADEMARK OFFICE

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231, on

September 4, 2001

(Date)

Robert F. Gazdzinski
Reg. No. 39,990

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF NONPROVISIONAL APPLICATION**

ATTENTION: BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the "Notice to File Missing Parts of Nonprovisional Application" mailed May 4, 2001, a response to which is due September 4, 2001, and responded to herewith, enclosed herewith for filing is:

(X) The original executed Declaration - USA Patent Application (2 pages) in compliance with 37 CFR 1.63.

The PTO did not receive the following listed item(s) _____

Appl. No. : 09/815,982
Filed : March 22, 2001

(X) The original executed Assignment (2 pages) and a copy of the Recordation Form Cover Sheet. A check in the sum of \$40.00 for the recordation fee of the Assignment is enclosed herewith.

(X) A copy of the original Establishment of Right of Assignee to Take Action and Revocation and Power of Attorney with a copy of the original Assignment (4 pages).

(X) Informal Drawings - Attached are copies of the informal drawings [forty-three (43) sheets] in compliance with 37 C.F.R. 184(g).

(X) A Preliminary Amendment (9 pages, plus Replacement pages 1 and 36 and Revised Claims - Pages 67 through 68e).

(X) Check in the sum of \$540 representing fees for additional claims computed as follows:

CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	40	MINUS	20	= 20	X \$ 9	= \$180
Independent Claims	13	MINUS	4	= 9	X \$ 40	= \$360
If application has been amended to contain multiple dependent claim(s), then add						\$ = \$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$540.00

(X) A copy of the "Notice to File Missing Parts of Nonprovisional Application", filed under 37 CFR 1.53(b).

Appl. No. : 09/815,982
Filed : March 22, 2001

(X) A check in the amount of \$260.00 is attached to cover:

(X) The surcharge set forth in 37 CFR 1.16(e)

(X) \$65.00 (Small Entity)

(X) Applicant hereby requests a TWO-MONTH extension of time in responding to the Notice to File Missing Parts of Nonprovisional Application mailed May 04, 2001. Enclosed is a check to cover the \$195.00 filing fee for said extension of time.


(X) A postcard for return mailing.

Please charge any deficiency or credit any overpayment to Deposit Account No. 501423.
This sheet is attached in duplicate.

Respectfully requested,

GAZDZINSKI & ASSOCIATES

Dated: September 4, 2001

By: 

Robert F. Gazdzinski
Registration No. 39,990
Gazdzinski & Associates
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San Diego, CA 92123
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UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/815,982	03/22/2001	Frank R. Miele	VWAVE.001CP2

CONFIRMATION NO. 7628

FORMALITIES LETTER



GAZDZINAKI & ASSOCIATES
Suite A232
3914 Murphy Canyon Road
San Diego, CA 92123

Date Mailed: 05/04/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

The following item(s) appear to have been omitted from the application:

- Figure(s) 31C described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE